

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**INAYATULLAH KHAN BARECH,**

Plaintiff,

v.

**THE CITY OF PORTLAND,** a municipal  
corporation,

Defendant.

Case No. 3:14-cv-00328-AC

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge John V. Acosta issued Findings and Recommendation in this case on February 10, 2015. Dkt. 24. Judge Acosta recommends that the Court grant in part and deny in part Plaintiff's motion (Dkt. 13) for attorney fees and grant his motion for an award of costs. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1)(C). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, however, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Nor does the Act “preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. And the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.” As no party has made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.

The Court ADOPTS Judge Acosta’s Findings and Recommendation. Dkt. 24. Plaintiff’s motion for attorney fees (Dkt. 13) is GRANTED in part and DENIED in part. Plaintiff’s motion for costs (Dkt. 13) is GRANTED.

**IT IS SO ORDERED.**

DATED this 3rd day of March, 2015.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge